

Maritime Administration, DOT

§ 252.41

operator shall submit a final voucher for an adjustment of the amount of subsidy paid.

[51 FR 40432, Nov. 7, 1986, as amended at 58 FR 17349, Apr. 2, 1993]

§ 252.41 Subsidy billing procedures.

(a) *Subsidy voucher*—(1) *Form*. Requests for payment of ODS shall be submitted on a public voucher, Standard Forms 1034 and 1034A, which can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC. 20402.

(2) *Copies*. The operator shall submit the original and 3 copies of the voucher to the MARAD Region Director for payment. The original and 2 copies must be supported by schedules and an affidavit. The third copy is the payee's copy and need not be supported.

(b) *Schedules and affidavit*. (1) The following schedules shall be used for calculating the amount of ODS payable:

SCHEDULE A

(Company) _____
ODSA No. _____
ODS Accrued During Fiscal Year 19____
ODS Payable for the Month of _____

	Current voucher	Previous voucher	Total
Total accrued ODS (sched. B)	\$ ____
Less ODS reductions: reduced crew (sched. C)	____
Net ODS accrued	____	\$ ____	\$ ____
Less previous payments
ODS payable	____

SCHEDULE B

(Company) _____
ODS Accrued for the Month of _____

Vessel name	Voy. No.	Voyage dates		Voy. days	Per diem rates	Accrued subsidy
		From	To			
.....	\$ ____	\$ ____
ODS payable for unpredictably timed expenses not included in daily amount (attach supporting supporting information)	\$ ____
Total accrued subsidy (enter on Schedule A)	\$ ____

SCHEDULE C

(Company) _____

REDUCED CREW PERIODS

Vessel	Reduced crew dates		No. of reduced crew days (a)		No. of crew reduced		Man-days		Man-day amount		Reduced crew reduction
	From	To									
.....	x	.....	=	.....	x	\$ ____	=	\$ ____
.....	x	.....	=	.....	x	____	=	____
.....	x	.....	=	.....	x	____	=	____
.....	x	.....	=	.....	x	____	=	____
Total reduced crew reduction (enter on Schedule A)	____		

(a) If licensed crew, indicate (a).
(b) If unlicensed crew, indicate (b).

(2) A notarized affidavit as shown below shall be signed by an official of the subsidized operator who is familiar with the ODSA, these regulations, the operation of the subsidized vessel, and the accounts, books, records, and disbursements of the subsidized operator relating to such operation:

AFFIDAVIT

State of _____
City of _____
County/Parish of _____

I, _____, being duly sworn, depose and say that I am _____ (title) of the _____ (herein referred to as the "Operator"), and as such am familiar with (a) provisions of the Operating-Differential Subsidy Agreement, Contract No. _____, dated as of _____, as amended, to which the Operator is a party; and (b)

§ 252.42

the regulations governing the payment of operating-differential subsidy for bulk cargo vessels, PART 252, Title 46, CFR: and (c) the operation of the vessels covered by said Agreement and regulations; and (d) the accounts, books, records, and disbursements of the Operator relating to such operation.

Referring to the public voucher dated _____, covering voyage days allowed for subsidy during the periods commencing _____, and ending _____, and attached, submitted by said Operator concurrent herewith for a payment on account in the sum of _____, under said Agreement, I further depose and say that, to the best of my knowledge and belief, the Operator has fully complied with the terms and conditions of said Agreement and regulations, applicable orders, rulings and provisions of the Merchant Marine Act, 1936, as amended, and is entitled, under the provisions of said Agreement and regulations, orders and rulings applicable thereto, to the amount of the payment on account requested; and further depose and say that the vessels named in the attached schedules were in authorized service for the vessel operating days on which the payment is requested and has not included in the calculation of the amount of subsidy claimed in the attached voucher any costs of a character that the Maritime Administration, or Secretary of Transportation acting by and through the Maritime Subsidy Board or any predecessor or successor, had advised the Operator to be ineligible to be so included, or any costs collectible from insurance, or from any other source.

Payment by the Maritime Administration of all or part of the amount claimed herein shall not be construed as approval of the correctness of the amount stated to have been due, nor a waiver of any right of remedy the Maritime Administration, or Secretary of Transportation, acting by and through the Maritime Subsidy Board, or any predecessor or successor, may have under the terms of said Agreement, or otherwise.

I further depose and say that this affidavit is made for and on behalf and at the direction of the Operator for the purpose of inducing the Maritime Administration to make a payment pursuant to the provisions of the aforesaid Operating-Differential Subsidy Agreement, as amended.

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State, this _____ day of _____.

My commission expires _____
Notary Public _____

46 CFR Ch. II (10-1-03 Edition)

(3) The subsidized operator shall furnish its own supply of supporting schedules and affidavit.

§ 252.42 Appeals procedures.

(a) *Appeals of annual or special audits.* An operator who disagrees with the findings, interpretations or decisions in connection with audit reports of the Office of the Inspector General and who cannot settle said differences by negotiation with the Contracting Officer may submit an appeal to the Maritime Administrator from such findings, interpretations or decisions in accordance with Part 205 of this chapter.

(b) *Appeals of administrative determinations—(1) Policy.* An operator who disagrees with the findings, interpretations or decisions of the Contracting Officer with respect to the administration of this part may submit an appeal from such findings, interpretations or decisions as follows:

(i) Appeals shall be made in writing to the Secretary, Maritime Subsidy Board, Maritime Administration, within 60 days following the date of the document notifying the operator of the administration determination of the Contracting Officer. In his appeal to the Secretary the operator shall indicate whether or not he desires a hearing.

(ii) The appellant will be notified in writing if a hearing is to be held and whether he is required to submit additional facts for consideration in connection with the appeal.

(iii) When a decision has been rendered by the Board, the appellant will be notified in writing.

(2) *Appeal to the Secretary of Transportation.* An operator who disagrees with the Board may appeal such findings and determinations by filing a written petition for review of the Board's action with the Secretary of Transportation. The petition shall be filed in accordance with provisions of the Department of Transportation pertaining to Secretarial review.

(3) *Hearings.* The Rules of Practice and Procedures, 46 CFR part 201, subpart M, shall be followed for all hearings granted under 46 U.S.C. 1176 and 46 CFR 252.42.